

BOARD OF SELECTMEN
TUESDAY, JUNE 28, 2016

The regular meeting for the Board of Selectmen convened at 7:00 p.m. in the Public Meeting Room in the Town Office Building at 110 Main Street. In attendance were Dr. Richard M. Smith, John R. Morrell, and Edward S. Harrison. Also present were Town Administrator Evan Brassard and the media.

The Pledge of Allegiance was recited.

Dr. Smith introduced District Aide Tyler Wolanin from Senator Anne Gobi's Office. Mr. Wolanin explained he just concluded the June office hours here today, and stayed to present a brief update for the listening audience.

Mr. Wolanin noted he has hours here in the Town Office Building every month, as well as in all the towns in their districts. His next hours in Monson are scheduled for Thursday, July 14th from 1:00 p.m. to 2:00 p.m. The full list is available on their website at senatorannegobi.com or anyone is encouraged to contact their office at 617-722-1540.

Mr. Wolanin said the Capital Gains tax has had some issues; the Governor's Office believes the Fiscal Year 2017 State budget might face up to a billion dollar deficit; Ways and Means Committees of the Legislature are working collaboratively with the Governor's Office to try to address this issue and they have as a priority the plan of holding local aid harmless in this; the Governor recently signed a 1/12 budget for an extra month to give the committee an extra month to work on the budget for the FY 2017 year.

Mr. Wolanin said he is going to look into the availability of Mass. Works funds for work to continue on Main Street in Monson, as the rest of Route 32 has recently had work done by the State.

Mr. Morrell asked Mr. Wolanin if he had any news or updates from DECAMM on the Monson Developmental Center. Mr. Wolanin replied he hasn't heard anything lately, but he would be happy to check in with them again.

Mr. Morrell asked Mr. Wolanin to check in on the Hospital Road Bridge that has been closed for many years to see what the status is on that. Mr. Wolanin said he would make a note to check with DECAMM on that as well.

Mr. Harrison asked if there is a new target date for the budget, so we would know what the impact is going to be with the billion dollar deficit. Mr. Wolanin said the Legislature is going to hopefully break at the end of July, and they would like to have it done before that. They will stay longer if necessary, but usually they end with a marathon session at the end of July.

Acceptance of Meeting Minutes:

Mr. Harrison made a motion to accept the meeting minutes of June 14, 2016 – open session. Mr. Morrell seconded and it was unanimously VOTED.

Reorganization of the Board:

Dr. Smith noted a Town election was held on June 14th where he was re-elected, and thanked everyone for their support.

Mr. Harrison made a motion the slate of Officers be elected as follows:

Richard Smith – Clerk

Edward Harrison – Vice Chair

John Morrell – Chair

Dr. Smith seconded and it was unanimously VOTED.

Christmas Lighting Committee:

This was tabled.

Appointment of a Full Time Police Officer:

Police Chief Stephen Kozloski approached the Board of Selectmen with Officer Paul Mayo. Chief Kozloski explained the vacancy he is requesting to fill noting his department is down two positions, one was the result of the transfer or resignation of an officer to another department, and one that resulted from the creation of the School Resource Officer position. Chief Kozloski asked that this appointment be for an interim full-time Police Office, until Officer Mayo successfully completes the full-time Police academy.

Chief Kozloski said he anticipates being down a third position by the end of July/beginning of August with the retirement of Officer Kristen Tirado.

Officer Mayo explained his background.

Mr. Harrison made a motion to appoint Paul Mayo as an interim full-time police officer effective immediately through the successful completion of the full-time Police academy. Dr. Smith seconded and it was unanimously VOTED.

Chief Kozloski noted he is advertising for a qualified full-time applicant on social media, the department's website, and the statewide bulletin board. The reason for this is when he had the other two positions to fill, now three positions, he put this out for a request for any interested part-time officers to express interest in the position; Officer Mayo did along with one additional part-time officer. The problem is the other part-time officer will not have the one-year experience that would enable him to get the waiver from the State. Chief Kozloski said it is still his intention to go back to that officer for the third full-time position, but for the second position he doesn't have any internal candidates that will be qualified to work that position, therefore he said he will go internal for position one, external for position two and then internal for position three.

Appointment of Tree Warden:

Mr. Brassard explained in reviewing the Conflict of Interest law, M.G.L. Chapter 268A Section 20, it became clear Mr. Morrell cannot hold both an elected and appointed position at the same time. The Selectmen position along with the Highway Surveyor position, are elected, while the Tree Warden position is appointed by the Board of Selectmen on which Mr. Morrell sits, and the law states you cannot hold a position that the Board of Selectmen on which you sit appoints you. Ben Murphy, who is the foreman at the Highway Department, was recommended for the position, as he would still have access to all the required apparatus and organizational structure.

Mr. Harrison made a motion to appoint Ben Murphy for a three year term as the Tree Warden effective July 1, 2016 through June 30, 2019. Dr. Smith seconded and it was unanimously VOTED.

Appointment of a Full Time EMT:

Fire Chief Laurent McDonald and Peter Szarlan approached the Board of Selectmen. Chief McDonald explained his recommendation, and Mr. Szarlan explained his background.

Mr. Harrison made a motion to appoint Peter Szarlan to a three year term as a full-time Firefighter/EMT effective immediately through June 30, 2019. Dr. Smith seconded and it was unanimously VOTED.

Joint Meeting with Cemetery Commission:

Cemetery Commissioners John Silva and James Messina approached the Board of Selectmen. Mr. Morrell explained some complaints have been received regarding the condition of the cemeteries, especially around Memorial Day. Mr. Morrell said he understands the Cemetery Department lost an employee recently and a new person was just hired to fill that vacancy, but wanted to make sure the Commissioners know they are in charge of the Cemetery employees, and their responsibility to make sure things get done.

Mr. Brassard said Parks and Rec. assisted the Cemetery Department in getting the mowing and trimming done yesterday and today. Mr. Morrell told the Commissioners not to be afraid to ask for help or to get seasonal help if the budget allows for that, as people want the cemeteries kept nice and neat.

Mr. Silva said he wasn't aware of the steps they could take as Commissioners. It was also noted help was offered to the Department Head awhile back and refused.

Dr. Smith suggested they prioritize and take care of the cemeteries that are seen from the roads first.

Mr. Morrell said it's up to the Cemetery Commissioners to oversee their help and to make sure the job is being done correctly, and if they have a problem or need more money or help, to come and ask for it.

Dr. Smith also suggested having one of the Commissioners check in with the department head periodically to see how things are going.

Mr. Silva reiterated they weren't up to date on what their duties were.

Mr. Messina questioned why the Cemetery is mowing the tree belts in town. Mr. Morrell replied the Cemetery took that over several years ago since they have the mowers needed for that, and the Highway digs graves and sometimes sends a sander through in the winter, etc., for them.

Mr. Brassard noted we need better communication and coordination.

Fire Department Pay Scale Discussion:

This item was tabled.

Medical Marijuana Facility Proposal:

Kevin Pelissier, General Manager for a licensed facility in Fair Haven and CEO for Mayflower Botanicals, approached the Board of Selectmen seeking approval for a petition to amend the town's current medical marijuana bylaw. Mr. Pelissier said he tried to keep the changes to a minimal. The purpose is to establish a medical marijuana overlay district which would create an opportunity for utilization of space in town that could promote job growth. They also made a few small suggested amendments that added clarity to some of the existing bylaws and how distances are calculated within those bylaws.

Mr. Pelissier stated this facility would create an anticipated 30 to 40 full-time jobs. The proposed overlay district would be on a section of roughly 261 acres of land off Upper Palmer Road just south of the former Monson Developmental Center. Some of the proposed land is privately owned and some is town owned.

Dr. Smith said he can see why the Arooth's would want this, and asked why they are including town owned property. Mr. Pelissier replied it could offer potential for the town to find a suitor for that property, and it also helps bridge the gap between the State Hospital and the proposed district.

Mr. Pelissier said in choosing the area they diligently looked at a number of areas within the town that met certain criteria for this sort of project. Mr. Pelissier explained this area was chosen because of its close proximity to high capacity power lines to provide electricity, as well as utilizing some of the open space located there with the anticipated hope to potentially spur some economic growth in that area. This proposed project would require about 24 acres of land to build the greenhouse style growing operation with a special permit issued by the town, leaving the remaining overlay district open. A host community agreement or structured payment in lieu of taxes would also need to be negotiated, as the facility would be a non-profit.

Mr. Pelissier noted that by adding the overlay district set up by special permit, it would allow the town to continue to have control over what projects do and do not go into the area.

Dr. Smith had several concerns; regarding some of the wording used in the proposed amendment to the bylaws and felt the way it was worded in the overlay district Appendix B Section 4.4.7., Procedures for

Issuance, the wording is “A special permit shall be granted if the SPGA (Special Permit Granting Authority) determines that both the intended bylaw and specific criteria are met”. Dr. Smith said the way it is worded now, if someone wants to go in there and they meet all the criteria the town has to let them in there, so there is no longer any control once that overlay district is created. Dr. Smith said he would encourage the Planning Board to change that wording to give them a little more control by having it read “may” and not “shall”.

Mr. Pelissier said the section of property they are proposing to use is parcel 91/15A on the attached map. This parcel has access off of Macomber Road. They are also negotiating with Sun Edison on some of that land as well, which would also have a more direct access. This is also why they wanted the overlay district to include different parcels, so they would have their choice of which parcel works out the best. This land is fields right now and they are looking to have a very minimal environmental impact. The nature of these facilities is they don’t want their neighbors to see them, and they don’t want to see their neighbors. From a security standpoint, having the privacy is good, also the State has very strict security mandates and protocols that have to be followed through the licensing that they do periodic audits on. The State does unannounced visits to the facilities.

Dr. Smith said some of his other concerns on the proposals are, under Additional Requirements – Conditions of Use, regarding the time, Mr. Pelissier is proposing changing the time of being open to the public, as opposed to just being open in general the 8:00 to 8:00 for deliveries. Mr. Pelissier clarified part of the security protocol is they have randomized delivery times and the intention is to seek a retailer’s establishment outside of the town.

Dr. Smith felt in an industrial area there wouldn’t be any problem, however in a residential neighborhood it might be a problem and wondered how critical it is they have the early morning hours vs. the 8:00 to 8:00, and wondered if the randomized times could fall in that time frame. Mr. Pelissier said they could. The nature of the delivery vehicles used are passenger vehicles, such as vans; no 18-wheelers are used, and there wouldn’t be a substantial growth to the area’s traffic.

Dr. Smith said he had another concern on the property line. Currently it is 300 feet from the property line and they are proposing on changing it to 300 feet from the nearest structure. Mr. Pelissier responded the way it is currently written in regards to the solar field, in order to have a building be compliant, because one property line would abut the residential property line, it would require sub-divisions. This aims to keep them at least 300 feet away from the residents more on a structure to structure basis so they didn’t have to get into any of the sub-divisions.

Mr. Brassard explained the process noting what the Board will be voting on tonight is to send the proposal, or not send the proposal, to the Planning Board, which will then enter another process with the Planning Board. The Board of Selectmen will also need a separate vote to issue a letter of non-opposition contingent upon review by Town Counsel. If both of those things move forward from tonight, the Planning Board will hold a public hearing on July 19th to discuss the proposal, if the Planning Board approves it at that meeting, a Special Town Meeting warrant will be opened with the change on it on

July 28th; on August 2nd the warrant would be closed. On August 22nd we would have a Special Town Meeting for the purpose of this proposal. After that it would go back to the Planning Board, if approved at Town Meeting. On September 20th issue a Special Permit if applicable, the Attorney General's Office review would be back by November 22nd.

Mr. Harrison made a motion to pass the proposal on to the Planning Board, as described. Dr. Smith seconded and it was unanimously VOTED.

Mr. Harrison made a motion to sign a letter of non-opposition, contingent upon approval by Town Counsel. Dr. Smith seconded and it was unanimously VOTED.

Anti-Bullying / Anti-Harassment Policy:

Mr. Harrison said he is good with this document now that he has had the time to read it.

Mr. Harrison made a motion to approve the Anti Bullying / Anti-Harassment Policy as presented. Dr. Smith seconded and it was unanimously VOTED.

Substance Abuse Task Force:

Mr. Brassard said he has been working on this policy with Police Chief Steve Kozloski and Scott Malo of the Monson Hears Organization that deals with substance abuse, and they would like to invite the residents, schools, and everyone in to a town forum most likely in October in Memorial Hall to discuss what the town and state are doing to help people with substance abuse issues, and really define what it is each department has a role in.

Mr. Brassard said they would also like to create a Task Force comprised of the Town Administrator or a designee as representation for the Board of Selectmen, the Police Chief or a designee, Fire Chief or designee, Board of Health member, Monson Hears member, Monson Public Schools Superintendent or designees, Parks and Rec. Commissioner or designee, Monson Free Library representative, Council On Aging Director or designee, people from the business community, civic group representative, and clergy representative.

Mr. Brassard said they would like to establish this group and set up the initial forum. Then we would have a group that regularly communicates about issues as they come up, so we can better react and put programs together to assist people whether its educational programs or programs to let them know when the State changes their approach or puts more facilities online. This would allow people to have more tools available to them at the local level, as opposed to what we have now, which is very limited in scope.

Mr. Morrell felt this was an excellent idea.

Dr. Smith said unfortunately the need is there and he feels all the aspects need to be addressed; especially the prevention and educating people on the dangers, and that it can happen to them.

Mr. Harrison questioned what the charge to the committee will be and what kind of milestones we should be expecting.

Mr. Brassard said once the committee is formed he will gather the names of the participants and set up a meeting of that initial group and work out those details, and then come back to the Selectmen with an update on that and have the Board appoint the actual people to the Committee.

Mr. Harrison made a motion to create a Substance Abuse Task Force Committee. Dr. Smith seconded and it was unanimously VOTED.

Dr. Smith felt this was a very comprehensive list and very well thought out.

Mr. Morrell thanked Mr. Brassard for bringing this forward, and added it's really important to the young people before they get in trouble.

Town Administrator Evaluation Form:

Mr. Morrell noted everyone had a copy of the evaluation form from Human Resource Director Cristina Pedro, they agreed to do.

It was agreed to submit the finished reviews by July 26th to hand back to the Human Resource Director for an overview on August 9th with Mr. Morrell, and then to discuss the document at the August 23rd Selectmen's meeting.

Mr. Harrison felt the Board needs to sit down with Mr. Brassard at some point to go over with him what the goals are that he should be accomplishing. Mr. Brassard said he would appreciate that, and it would be helpful.

Capital Planning Goals:

Mr. Brassard said he received some feedback from the Board about their overarching goals for Capital Planning, most of which centered around efficiency and effectiveness of government, economic development, public safety, education, and technology. Coming in at a close sixth was cultural recreation opportunities. Mr. Brassard said he relayed this to the Capital Planning Consultants. The initial kickoff meeting was held on Monday with excellent representation from the town department heads and he feels they will have a great process and put together a really great product for the town.

Mr. Morrell noted the Consultants, who have been to a lot of municipalities, made the comment all the departments in Monson seem to be pretty much either with the curve or ahead of it, and not in that bad of shape. The capital items are awful expensive, but we're not in as bad of shape as a lot of towns are.

Dr. Smith felt it was great to have more formal plans, and having experts come in and help us formulate, and felt that's a great benefit.

Correspondence was read and completed.

In other Business to Come Before the Board:

- Mr. Brassard thanked Tim Pascale and the Parks and Rec. Department, and the Highway Department, for helping the Cemetery out, and for Park & Rec. getting everything ready on Main Street for the Summerfest. Mr. Brassard said the mulch will be done here, and at Dave Grieve Park at the gazebo, by B. B. Landscaping. Mr. Morrell thanked Mr. Brassard for getting the sprinkler system at the Town Office Building, especially during this dry spell.
- Mr. Morrell said in regard to the Chapter 90 work, the Highway Department will be doing 5,000 feet of reconstruction work on Wales Road at a cost of about \$280,000 starting on July 6th. It should be completed within two weeks if the weather cooperates.
- Mr. Morrell also said the long awaited Cote Road project, three years in the waiting, is going out to bid tomorrow with the bids being opened on July 15th. This project is estimated at \$274,420 with the work hopefully starting around the first of August.
- Mr. Morrell said he would like to inform the Board members and the public of a few things, while Chairman and over the next year, that he would like to address:
 - 1) The Police Chief is going to be checking into ticketing prices around the area. Currently Monson's prices are \$5 to \$10 and not the same anywhere.
 - 2) He wants to get the utilities in to a meeting to address double poles in town.
 - 3) He wants to hold a business forum to draw businesses into town as well as keep the businesses we have in town, and he would like them to come into a meeting to talk about any problems or concerns they may have.
 - 4) Lastly, he wants to get on DECAMM and MDC to see if we can do some more with them, and at some point invite the Town Planner Dan Laroche in to provide an update of what's going on with MDC and where we are right now, and what we can do to try to move forward.

Mr. Harrison said there is a plan and we are supposed to get an RFP sometime in September. Then, hopefully we can get some potentially interested developers in to see what they might want to do with the property.

Mr. Morrell added we need to either get the bridge at MDC repaired and opened, or have the State open up the private way that the State owns through the facility by bringing it up to standard, so we can open it up to public travel and accept it providing us with a public way through the facility, as right now there is no public way through the facility, and that's a no brainer for economic development. This would be the private road that goes from Upper Palmer Road to Macomber Road. Mr. Morrell said having the State do both, repair the bridge and bring the private road up to standards so the town can accept it as a public way, would be the best scenario, but just doing one or the other would be an asset.

At 8:32 p.m. Mr. Harrison made a motion to adjourn from open session to go into executive session to discuss strategy with respect to non-union personnel pursuant to M.G.L. c. 30A, Sec. 21 (2) and collective bargaining or litigation pursuant to M.G.L., c. 30A, Sec. 21 (3), not to return to open session. Dr. Smith seconded and it was unanimously VOTED.

Dr. Richard M. Smith, Clerk